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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,744

02/03/2005

Martin M. Browne

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36335 7590 07/12/2007

GE HEALTHCARE, INC.  
IP DEPARTMENT  
101 CARNEGIE CENTER  
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EXAMINER

STIGELL, THEODORE J

ART UNIT

PAPER NUMBER

3763

MAIL DATE

DELIVERY MODE

07/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/523,744

Applicant(s)

BROWNE, MARTIN M.

Examiner

Theodore J. Stigell

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3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 June 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- \_\_\_\_\_ Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- \_\_\_\_\_ Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9-17, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Szabo et al. (3,993,065). Szabo discloses an adaptor (24) connectable with an automatic syringe pump (14) for a hand-held syringe and a hand-held syringe (16), the syringe containing contents to be dispensed, the adaptor comprising a syringe driver (28) for agitating the contents of the syringe, wherein the adaptor comprises an adaptor body receivable by a syringe receiving unit of the syringe pump, and a syringe retainer (20) comprising an annular syringe ring for retaining a flange of the hand-held syringe, wherein the driver can cause the syringe ring to rotate, further comprising a guide piston (not numbered), an extension arm (distal part of 28), and a dispense rod (17) rotatably mounted to the extension arm. It is the position of the Examiner that the inherent use of the device meets all of the steps disclosed by the Applicant.

Claims 1-17, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bucchianeri (4,424,720). Bucchianeri discloses an adaptor (15,17,18) connectable with an automatic syringe pump (10) for a hand-held syringe and a hand-held syringe (11), the syringe containing contents to be dispensed, the adaptor comprising a syringe

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driver (15a,19) for agitating the contents of the syringe, wherein the adaptor comprises an adaptor body receivable by a syringe receiving unit of the syringe pump, and a syringe retainer comprising an annular syringe ring for retaining a flange of the hand-held syringe, wherein the driver can cause the syringe ring to rotate, further comprising a guide piston (15), an extension arm (17), and a dispense rod (not numbered) rotatably mounted to the extension arm. It is the position of the Examiner that the use of the device meets all of the steps disclosed by the Applicant.

### ***Response to Arguments***

Applicant's arguments filed 6/15/2007 have been fully considered but they are not persuasive. In response to the Applicant's argument that Szabo fails to disclose a syringe driver for rotationally agitating the contents of the syringe, the Examiner respectfully disagrees. The limitation of "rotationally agitating" is being interpreted as describing the motion of the contents of the syringe and does not provide a substantial structural limitation of the adaptor. The motion of the driver will cause movement of the molecules of the contents in all directions including a rotational direction.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theodore J. Stigell whose telephone number is 571-272-8759. The examiner can normally be reached on M-F 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Theodore J. Stigell

  
NICHOLAS D. LUCCHESI  
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TECHNOLOGY CENTER 3700